

RD 11/21/19  
GA

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.  
★ NOV 21 2019 ★  
GA  
BROOKLYN OFFICE

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

----- x  
UNITED STATES OF AMERICA,

Plaintiff,

-against-

FOO YUAN FOOD PRODUCTS, INC. ET AL,

Defendant.  
----- x

ORDER

18-cv-4689 (ENV) (CLP)

VITALIANO, D.J.

Plaintiff United States of America ("the government") commenced this action on August 20, 2018, against defendants Foo Yuan Food Products Company, Inc. ("Foo Yuan"), Hsing Chuang, a/k/a "George Chuang," and Susan Chuang (collectively, "defendants"), alleging the defendants were in violation of provisions of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. §§ 331(a) and 331(k) and seeking to enjoin them from introducing into interstate commerce adulterated food products. (Complaint ¶ 1).

To date, defendants have failed to answer or respond to the complaint. Plaintiff submitted a request for a certificate of default against defendants on November 13, 2018. The Clerk of Court granted the certificate on November 15, 2018. Dkt. 9. Plaintiff filed a motion for default judgment on March 21, 2019. Dkts. 13-17. The Court referred the motion to Magistrate Judge Cheryl L. Pollak for a Report & Recommendation ("R&R"). *See* Order Referring Motion, dated March 22, 2019. Judge Pollak issued her R&R on October 30, 2019 and the Court mailed a copy to defendants on the same date. Dkt. 18. The R&R recommends that the motion for default judgment and injunctive relief as to defendants be granted. Notice of time to object to the R&R was given. *See* R&R at 9. No party filed an objection.

### Discussion

Where no party has objected to a magistrate judge's report and recommendation, clear error review applies. *See Dafeng Hengwei Textile Co. v. Aceco Indus. & Commercial Corp.*, 54 F. Supp. 3d 279, 283 (E.D.N.Y. 2014). Having carefully reviewed the R&R in accordance with this standard, the Court finds it to be correct, well-reasoned and free of any clear error. The Court, therefore, adopts the R&R, in its entirety, as the opinion of the Court.

### Conclusion

For the foregoing reasons, the R&R is adopted, in its entirety, as the opinion of the Court. Plaintiff's motion for default judgment is granted. The Clerk of Court is directed to enter default judgment against defendants. Plaintiff's proposed order pursuant to Federal Rule of Civil Procedure 55 seeking entry of an injunction to prevent defendants from committing violations of Federal Food, Drug, and Cosmetic Act is entered in its entirety and attached to this Order as Exhibit 1.

So Ordered.

Dated: Brooklyn, New York  
November 11, 2019

s/ Eric N. Vitaliano

---

ERIC N. VITALIANO  
United States District Judge